

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2435 OF 2005

Santosh Kachru Bhoir & Ors. ...Applicants

Versus

State of Maharashtra ...Respondent

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Mr.N.N.Gawankar with Mr.Arfa Sait for Applicants.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 12, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Applicants have approached this Court for bail, claiming parity along with co-accused Keshav Bendu Pitambare, who has been released on bail by this Court on March 28, 2005.

3. Learned A.P.P. for State, however, submits that present Applicants are not entitled for parity because their names have been mentioned

in the First Information Report as well as by the witnesses. Whereas, in the case of Keshav Bendu Pitambare, it has been clearly observed that he was not named as one of the assailants by all the witnesses, except three witnesses. Indeed, that is the first reason mentioned in my order dated March 28, 2005.

4. There is another reason also recorded in the same order that the incident in question is on account of group rivalry and there is obviously tendency of implicating as many persons from the opposite group. The F.I.R. registered names of 28 assailants and other eight witnesses have also named all the 28 assailants serially. That creates doubt about the involvement of the concerned persons.

5. Besides, there is one more reason stated in the said order that the evidence against co-accused Keshav Bendu Pitambare was that one witness deposed that he was seen giving fist blows, whereas, other two witnesses stated that he was seen exhorting the assailants. In the case of the

Applicants also, the witnesses have stated that they were seen assaulting by fist blows.

6. Taking overall view of the matter, coupled with the fact that there are no antecedents against the Applicants and investigation is complete, Applicants are granted bail on the same conditions, in the following terms:

(a) The Applicants are directed to be released on bail in connection with C.R.No.I-96 of 2004 registered with Kalyan Taluka Police Station on executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two local sureties in the like amount.

(b) The Applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants shall not enter Thane District during the pendency of the trial, except for attending Court cases on the specified dates.

(d) The Applicants shall inform their places of residence to the Investigating Officer as well as the Trial Court within one week from the date of release. In addition, Applicants shall report to the nearest Police Station, once in a month, on first Saturday of every English Calendar Month.

(e) The Applicants shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicants are responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

7. Application disposed of on the above terms.

A.M.KHANWILKAR, J.